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December 12, 1997

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY


Re: In re Amendment of Section 73.202(b)
FM Table of Allotments
(Ashdown and DeQueen, Arkansas)
MM Docket No. 97-223; RM-9014

Dear Ms. Salas:

Transmitted herewith on behalf of Bunyard Partnership, the licensee of KARQ(FM), Ashdown, Arkansas, and Jay W. Bunyard and Anne W. Bunyard, the licensee of KDQN-FM, DeQueen, Arkansas, is an original and four copies of their Comments in the above-referenced rule making proceeding.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely


John F. Garziglia
Patricia M. Chuh

Enclosure

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List ABCDE

64

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DEC 12 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 97-223
Table of Allotments) RM-9014
FM Broadcast Stations)
(Ashdown and DeQueen, Arkansas))

To: Chief, Allocations Branch

COMMENTS

Bunyard Partnership, the licensee of KARQ(FM), Ashdown, Arkansas, and Jay W. Bunyard and Anne W. Bunyard, the licensee of KDQN-FM, DeQueen, Arkansas ("Petitioner"), by their attorneys, hereby submits their Comments in the above-referenced rule making proceeding, which seeks the allotment of Channel 221A at Ashdown, Arkansas in lieu of Channel 227C3, the allotment of Channel 226C2 at DeQueen, Arkansas in lieu of Channel 221C2, and the modifications of the licenses of KARQ(FM) and KDQN-FM to specify operation on Channels 221A at Ashdown, Arkansas and Channel 226C2 at DeQueen, Arkansas, respectively.^{1/} Because Channel 227C3 can be substituted for Channel 221A at Ashdown, Arkansas consistent with all Commission spacing requirements, and Channel 221C2 can be substituted for Channel 226C2 at DeQueen, Arkansas at the presently authorized site of KDQN-FM without any preclusionary

^{1/} The Notice of Proposed Rule Making in this proceeding established December 15, 1997 as the deadline for filing comments. See Notice of Proposed Rule Making, MM Docket No. 97-223, RM-9014, released October 24, 1997. As such, these Comments are timely filed.

effect, the Commission should adopt the proposed allotments.^{2/}

In support whereof, the following is submitted:

As requested in the Notice of Proposed Rule Making, MM Docket No. 97-223, RM-9014, released October 24, 1997, Petitioner hereby submits an additional preclusion analysis to demonstrate that Channels 218C3, 218C2, 218C1, 218C, 219C2, 219C1, 219C, 220C1, and 220C are not precluded by the proposed use of Channel 221C2 at DeQueen, Arkansas. See attached Technical Exhibit. Along with the channel preclusion analysis submitted with Petitioner's January 15, 1997 Petition for Rule Making, this preclusion study concludes that no new non-commercial services on Channels 218, 219 and 220 to communities with populations of 1,000 persons or more are precluded as the result of the proposed allotment of Channel 221C2 at DeQueen, Arkansas. Accordingly, there are no negative factors to be weighed as the result of precluded non-commercial allotments to communities against the public interest gains sought in this proposal.

As noted in the Technical Exhibit submitted with Petitioner's January 15, 1997 Petition for Rule Making, the allotment of Channel 227C3 to KARQ(FM) will increase the population it serves to encompass 124,736 persons in 4,791 square kilometers (1990 Census data), representing an increase of 110,214 persons and 3,107 square kilometers over its presently licensed facilities.

^{2/} The Petitioner hereby incorporates by reference all previously submitted pleadings.

Bunyard Partnership restates its present intention to apply for Channel 227C3 at Ashdown, Arkansas when allotted, and when authorized, build that facility promptly. Jay W. Bunyard and Anne W. Bunyard also restates their intention to file an application for Channel 221C2, when allotted, and when authorized, build that facility promptly, upon a substitution of Channel 221C2 for Channel 226C2 at DeQueen, Arkansas. Jay W. Bunyard and Anne W. Bunyard are principals in Bunyard Partnership.

WHEREFORE, for the reasons above, the Commission should adopt the substitution of Channel 227C3 for Channel 221A at Ashdown, Arkansas, and the modification of the license of KARQ(FM) to specify operation on Channel 227C3; and the substitution of Channel 221C2 for Channel 226C2 at DeQueen, Arkansas, and the modification of the license of KDQN-FM to specify operation on Channel 221C2.

Respectfully submitted,

BUNYARD PARTNERSHIP
JAY W. BUNYARD AND ANNE W. BUNYARD

By: 

John F. Garziglia
Patricia M. Chuh
Their Attorneys

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December 12, 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
BUNYARD PARTNERSHIP
MM DOCKET # 97-223
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

TECHNICAL EXHIBIT

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TECHNICAL COMMENTS
BUNYARD PARTNERSHIP
MM DOCKET # 97-223
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Bunyard Partnership ("Bunyard"), licensee of Station KARQ, Channel 221A, Ashdown, Arkansas. Bunyard is also the petitioner in MM Docket # 97-223 seeking to upgrade KARQ to Channel 227C3 at Ashdown, Arkansas. As indicated in its original filing to the Commission, to accommodate the substitution of channels at Ashdown, it is also necessary to substitute Channel 221C2 for Channel 226C2 at DeQueen, Arkansas. This change requires Station KDQN to change channels. The licensees of KDQN are J.W. Bunyard and N.W. Bunyard, who are the principles in Bunyard Partnership. The change of channels at Ashdown and DeQueen, Arkansas, is proposed under the Incompatible Channel Swap Provisions of the Commission's rules. As part of its submission, Bunyard also submitted a non-commercial preclusionary analysis due to the proposed use of Channel 221C2 at DeQueen, Arkansas and its proximity to KTAL, Channel 6, Texarkana, Texas.¹

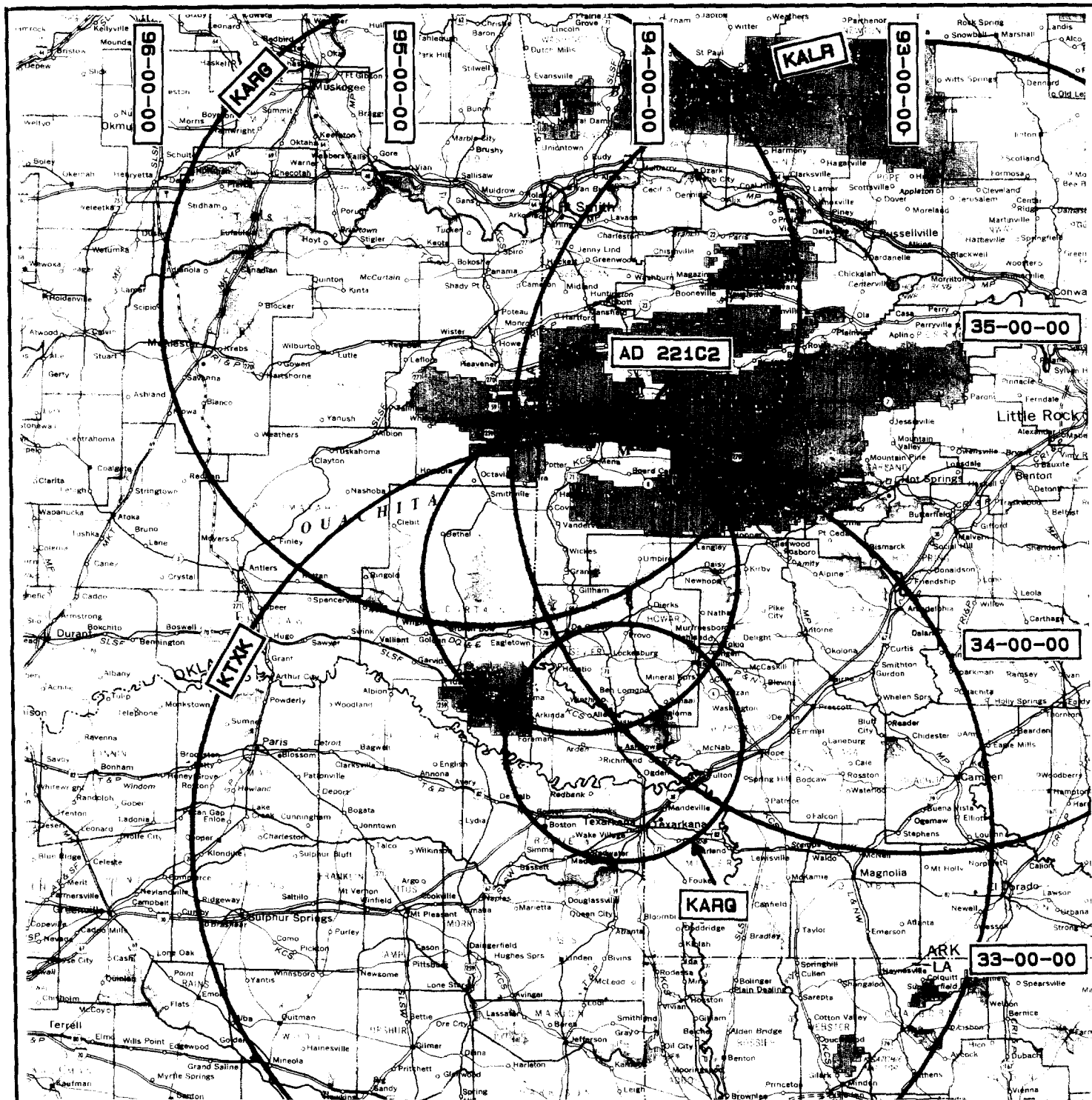
2. In accordance with the Commission's Notice of Proposed Rulemaking in Docket #97-223, additional preclusionary maps are herein being submitted to show that (when

1) An engineering evaluation was performed utilizing the requirements set forth in MM Docket #86-144, 52 FR 8259, March 17, 1987.

considered with the already addressed channel preclusions in the original submissions) Channels 218C3, 218C2, 218C1, 218C, 219C2, 219C1, 219C, 220C1, and 220C are not precluded by the proposed use of Channel 221C2 at DeQueen, Arkansas. Attached as Exhibits #1 through #9 are the preclusionary maps for each of the above referenced channels. The attached maps clearly indicate none of these channels are precluded due to the use of Channel 221C2 at DeQueen, Arkansas.² Therefore, Bunyard requests the Commission substitute Channel 227C3 for Channel 221A at Ashdown, Arkansas, and substitute Channel 221C2 for Channel 226C2 at DeQueen Arkansas, and order that KARQ and KDQN each be ordered to their new respective channels.

3. The foregoing information was prepared on behalf of Bunyard Partnership by Graham Brock as Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to the FM facilities was extracted from NTIA database, updated as of November 28, 1997. We assume no liability for errors or omissions in the database which may be adverse to requests contained herein.

2) The previously submitted information demonstrated that the use of Channel 221C2 at DeQueen did not preclude new non-commercial service to communities identified with populations of 1000 persons or more. The previously submitted information showed with the imposition of site restrictions or the availability of alternating channels, no preclusionary impact would be created by the use of this channel at DeQueen, Arkansas.

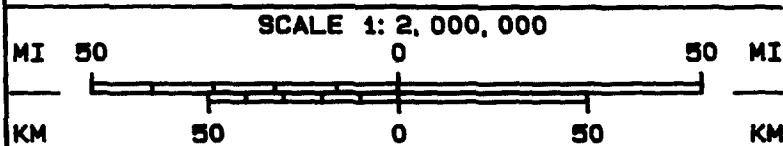


CHANNEL 218C3 PRECLUSION MAP

MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

EXHIBIT #1

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS
December 1997



GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

EXHIBIT #1A

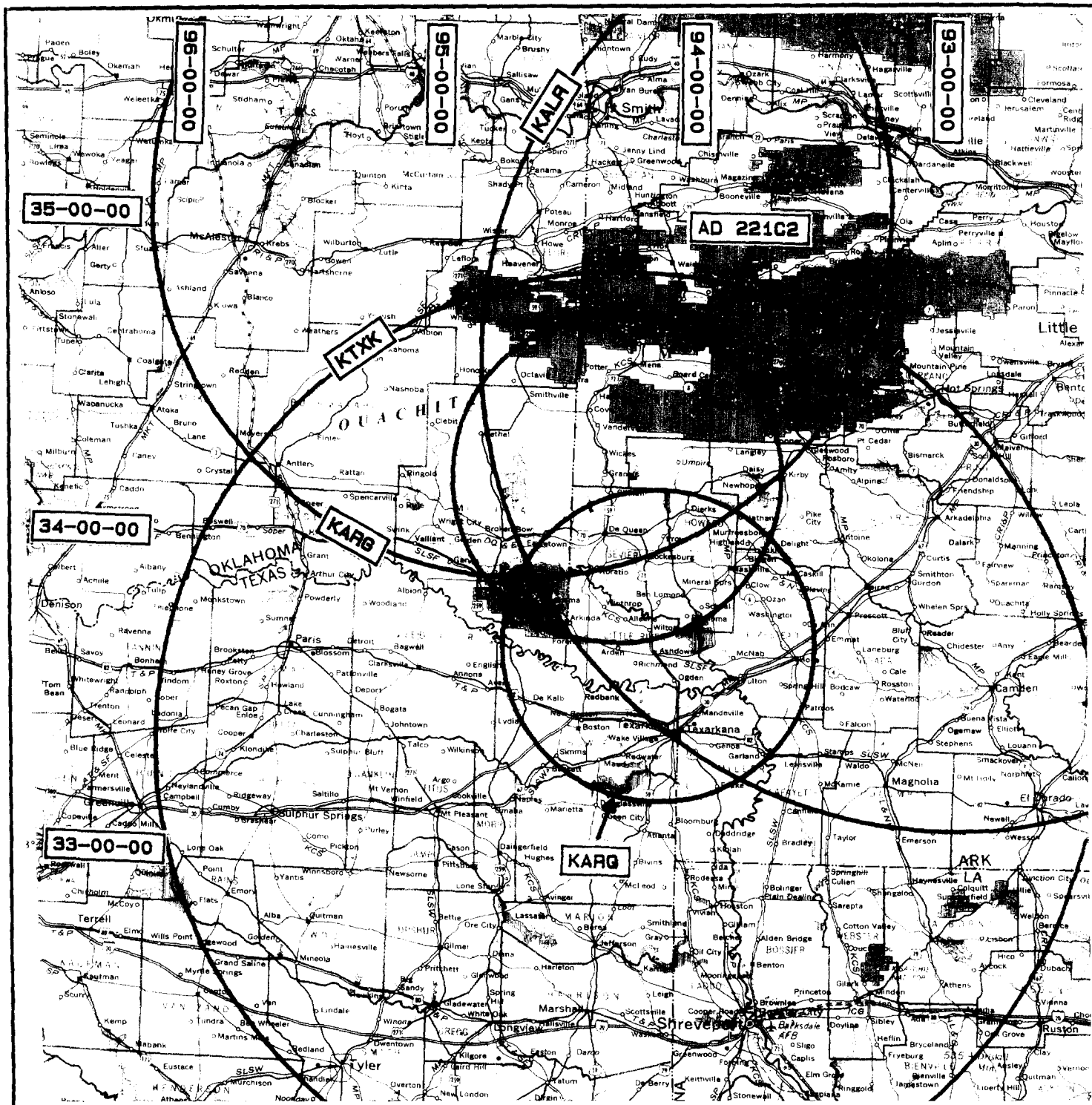
Stations Considered in Preclusion Study
Channel 218C3

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 141.2 kilometers

KALR Channel 218C3 Hot Springs, AR
3.0 kilowatts - 148 meters HAAT
Preclusionary arc 142.3 kilometers

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 112.5 kilometers



CHANNEL 218C2 PRECLUSION MAP

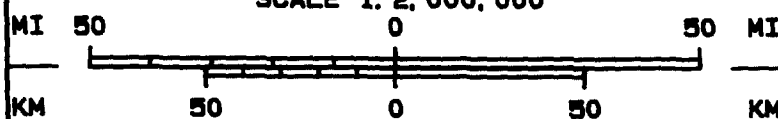
MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

EXHIBIT #2

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS

December 1997

SCALE 1: 2, 000, 000



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

EXHIBIT #2A

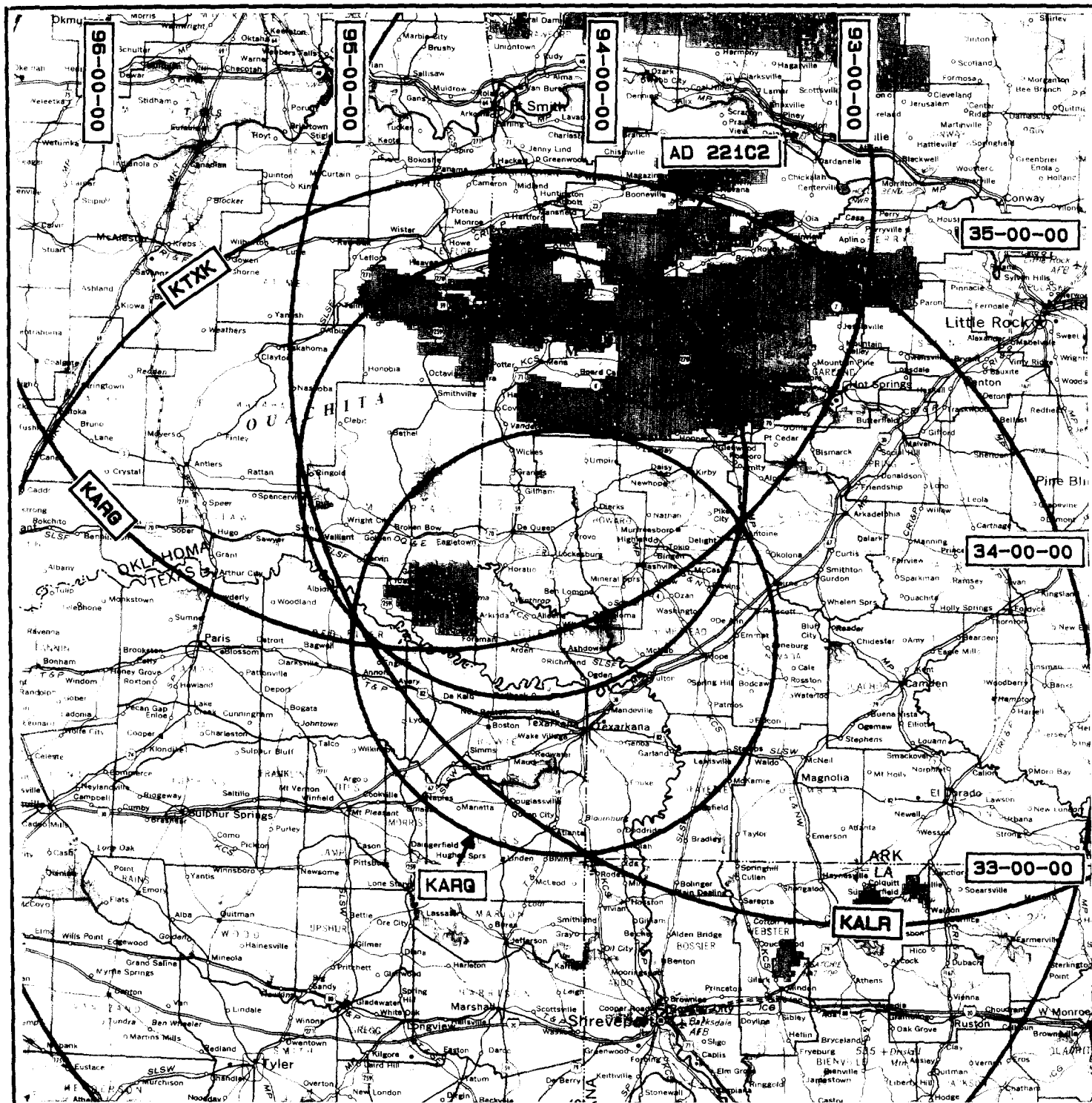
Stations Considered in Preclusion Study
Channel 218C2

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 165.5 kilometers

KALR Channel 218C3 Hot Springs, AR
3.0 kilowatts - 148 meters HAAT
Preclusionary arc 166.6 kilometers

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 130.4 kilometers



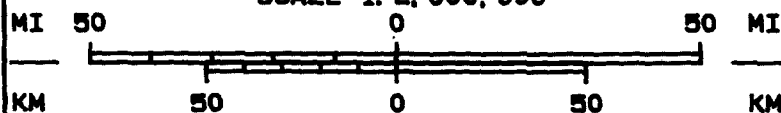
CHANNEL 218C1 PRECLUSION MAP

MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

EXHIBIT #3

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS
December 1997

SCALE 1: 2, 000, 000



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

EXHIBIT #3A

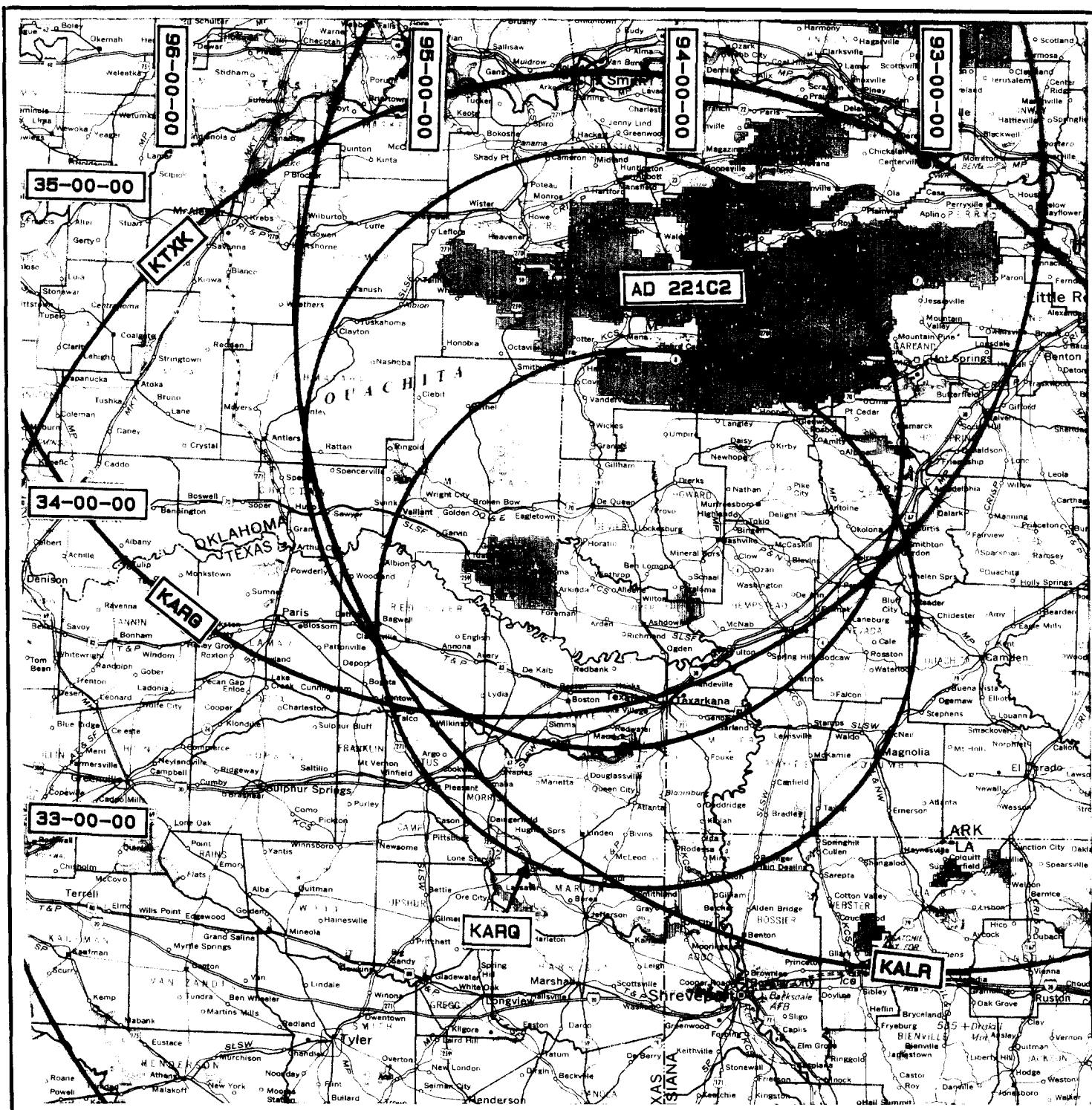
Stations Considered in Preclusion Study
Channel 218C1

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 199.5 kilometers

KALR Channel 218C3 Hot Springs, AR
3.0 kilowatts - 148 meters HAAT
Preclusionary arc 200.6 kilometers

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 157.3 kilometers

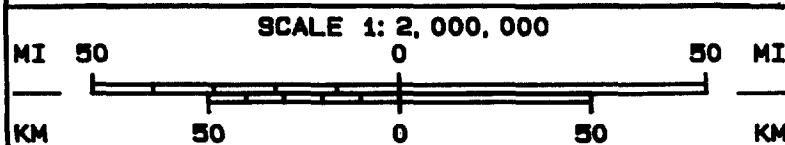


CHANNEL 218C PRECLUSION MAP

MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

EXHIBIT #4

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS
December 1997



GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

EXHIBIT #4A

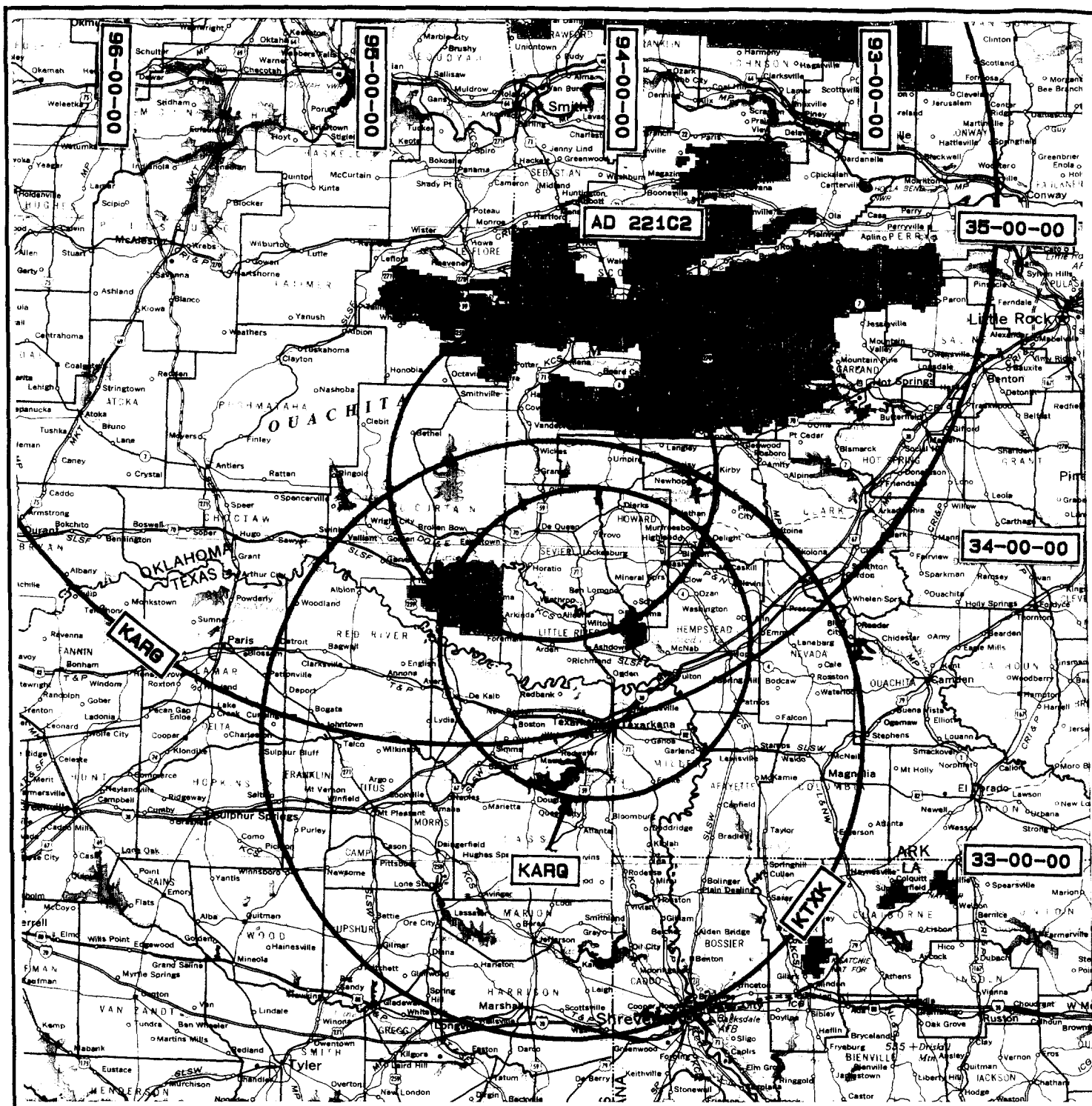
Stations Considered in Preclusion Study
Channel 218C

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 225.3 kilometers

KALR Channel 218C3 Hot Springs, AR
3.0 kilowatts - 148 meters HAAT
Preclusionary arc 226.5 kilometers

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 188.9 kilometers



CHANNEL 219C2 PRECLUSION MAP

MAP IS A PORTION OF THE 1:2,000,000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

SCALE 1:2,000,000

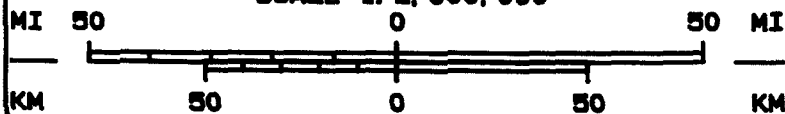


EXHIBIT #5

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS
December 1997

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

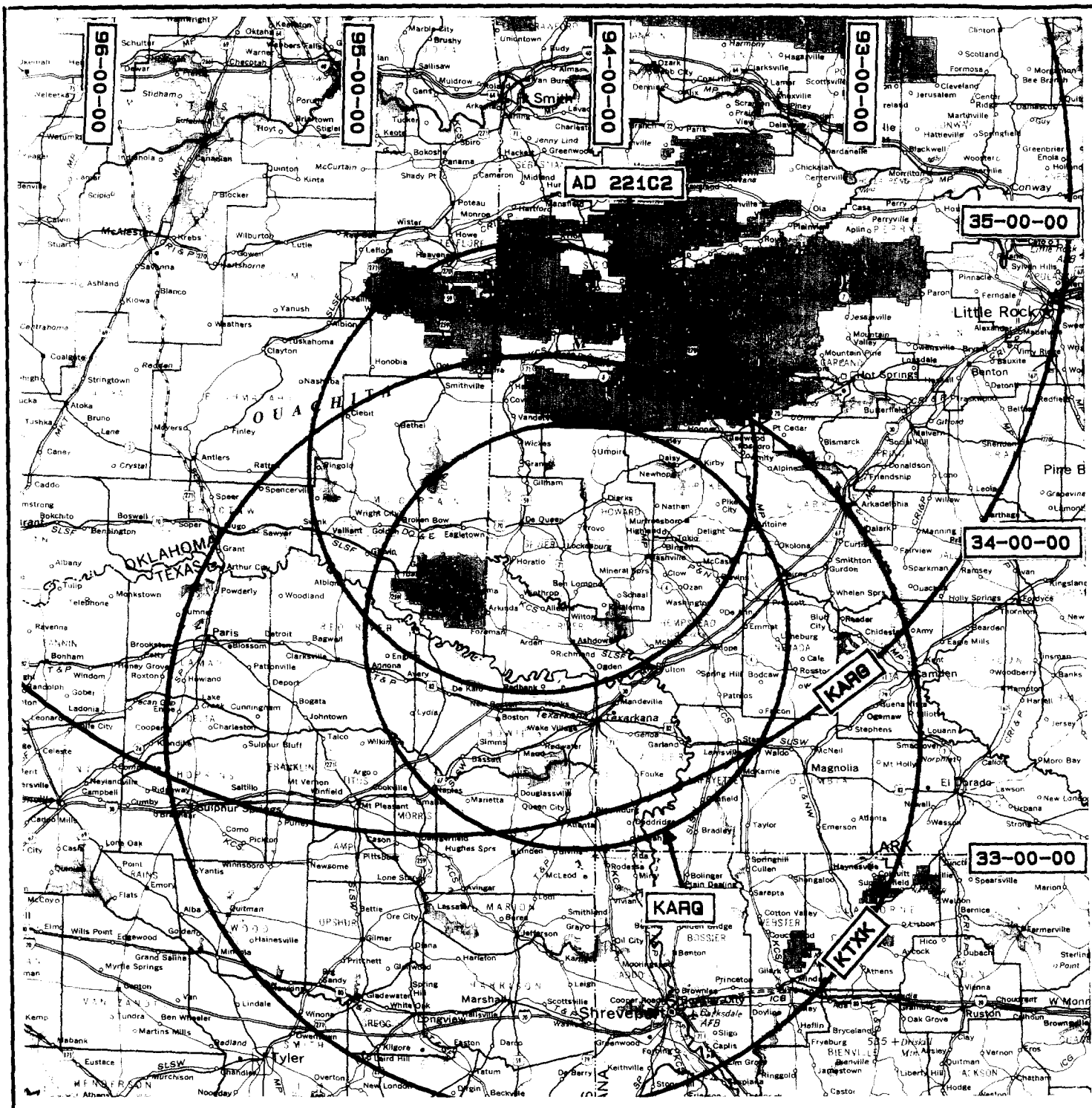
EXHIBIT #5A

Stations Considered in Preclusion Study
Channel 219C2

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 190.2 kilometers

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 105.7 kilometers



CHANNEL 219C1 PRECLUSION MAP

MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

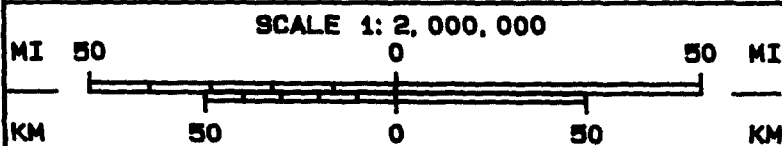


EXHIBIT #6

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS
December 1997

GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

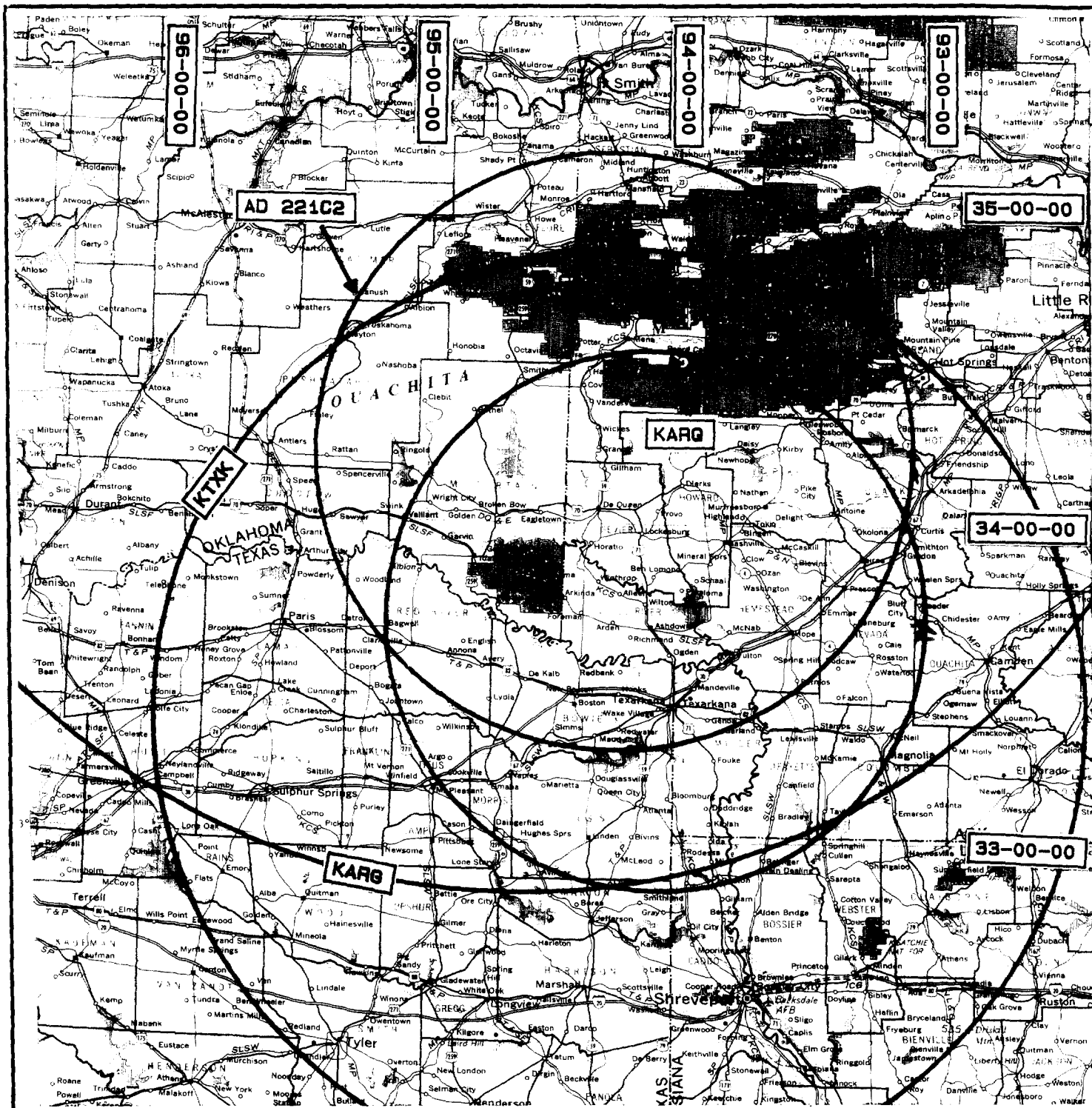
EXHIBIT #6A

Stations Considered in Preclusion Study
Channel 219C1

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 224.2 kilometers

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 132.6 kilometers



CHANNEL 219C PRECLUSION MAP

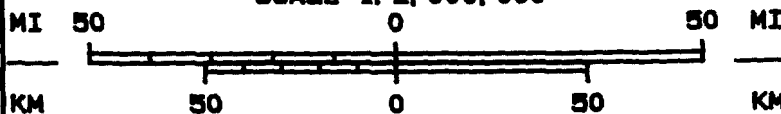
MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

EXHIBIT #7

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS

December 1997

SCALE 1: 2, 000, 000



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

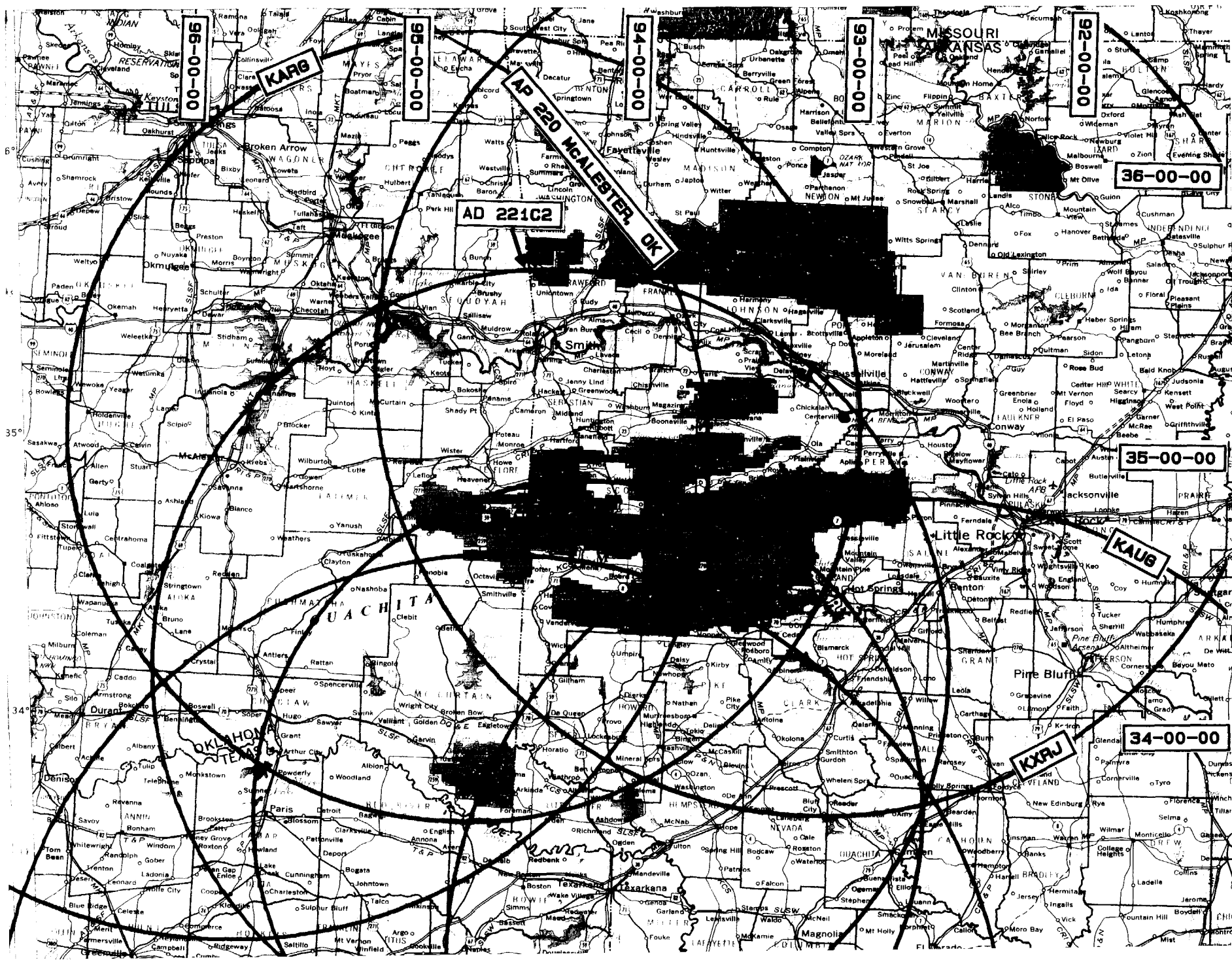
EXHIBIT #7A

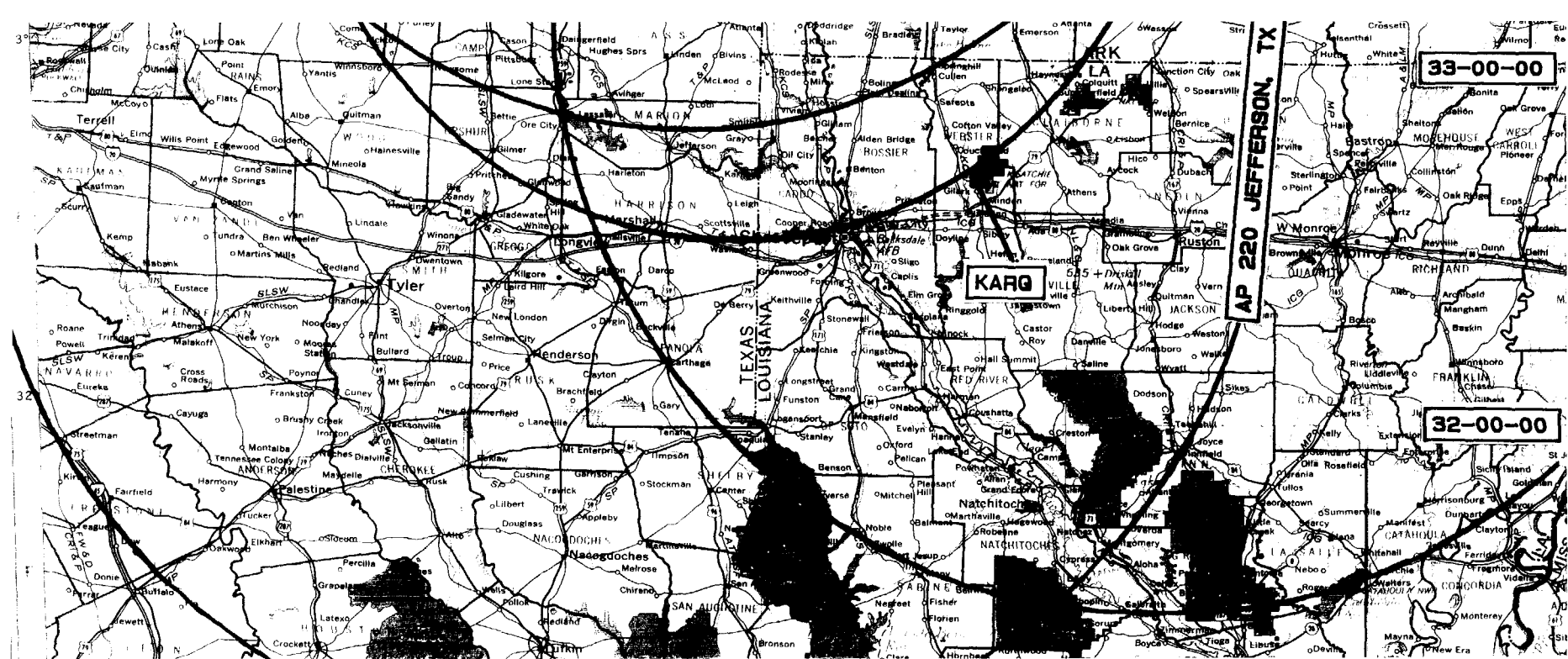
Stations Considered in Preclusion Study
Channel 219C

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 250.1 kilometers

KTXK Channel 218A Texarkana, TX
5.2 kilowatts - 102 meters HAAT
Preclusionary arc 164.2 kilometers





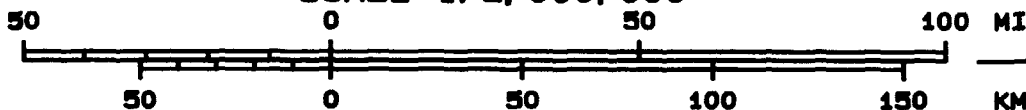
CHANNEL 220C1 PRECLUSION MAP

MAP IS A PORTION OF THE 1: 2, 000, 000 SCALE
U.S.G.S. NATIONAL ATLAS MAP.

EXHIBIT #8

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARG (FM) RADIO STATION
ASHDOWN, ARKANSAS
December 1997

SCALE 1: 2, 000, 000



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

TECHNICAL COMMENTS
MM DOCKET # 97-223
BUNYARD PARTNERSHIP
KARQ RADIO STATION
ALLOT CHANNEL 227C3
ASHDOWN, ARKANSAS
December 1997

EXHIBIT #8A

Stations Considered in Preclusion Study
Channel 220C1

AD221C2, DeQueen, Arkansas/KARQ, Channel 221A, Ashdown, Arkansas
(Subject station/Proponent)

KARG Channel 219C2 Poteau, OK
2.5 kilowatts - 569 meters HAAT
Preclusionary arc 157.3 kilometers

AP220 Channel 220A McAlester, OK
1.95 kilowatts - 75 meters HAAT
Preclusionary arc 190.8 kilometers

AP220 Channel 220A Jefferson, TX
3.1 kilowatts - 141 meters HAAT
Preclusionary arc 200.2 kilometers

KXRJ Channel 220A Russellville, AR
0.10 kilowatts - 28 meters HAAT
Preclusionary arc 177.5 kilometers

KAUG Channel 220A El Dorado, AR
1.0 kilowatts - 71 meters HAAT
Preclusionary arc 187.2 kilometers

